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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

DEBBIE JOANN DEUEL
24410 Crenshaw Boulevard #320
Torrance, California 90505

Respiratory Care Practitioner License No. 6532

Respondent.

Case No. R-2043

**PETITION TO REVOKE
PROBATION**

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California (Board), Department of Consumer Affairs.

2. On or about July 12, 1985, the Board issued Respiratory Care Practitioner License No. 6532 to Debbie Joann Deuel (Respondent). This license is suspended from March 8, 2006 through March 8, 2007, and will expire on August 31, 2007, unless renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation Against Debbie Joann Deuel," Case No. R-1995, the Board adopted the Proposed Decision of the Administrative Law Judge in which Respondent's license was revoked effective March 8, 2006.

1 However, the revocation was stayed, and Respondent's license was placed on probation for five
2 years with terms and conditions. A copy of that decision is attached as Exhibit 1 and incorporated
3 herein by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board under the
6 authority of the following laws. All section references are to the Business and Professions Code
7 unless otherwise indicated.

8 5. Section 3710 of the Code states: "The Respiratory Care Board of
9 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter
10 8.3, the Respiratory Care Practice Act]."

11 6. Section 3718 of the Code states: "The board shall issue, suspend, and
12 revoke licenses to practice respiratory care as provided in this chapter."

13 7. Section 3754 of the Code states: "The board may deny an application for,
14 or issue with terms and conditions, or suspend or revoke, or impose probationary conditions
15 upon, a license in any decision made after a hearing, as provided in Section 3753."

16 COST RECOVERY

17 8. Section 3753.5, subdivision (a) of the Code states:
18 "In any order issued in resolution of a disciplinary proceeding before the board, the
19 board or the administrative law judge may direct any practitioner or applicant found to have
20 committed a violation or violations of law to pay to the board a sum not to exceed the costs of the
21 investigation and prosecution of the case."

22 9. Section 3753.7 of the Code states:
23 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
24 include attorney general or other prosecuting attorney fees, expert witness fees, and other
25 administrative, filing, and service fees."

26 10. Section 3753.1, subdivision (a) of the Code states:
27 "An administrative disciplinary decision imposing terms of probation may include,
28 among other things, a requirement that the licensee-probationer pay the monetary costs associated

1 with monitoring the probation.”

2 FIRST CAUSE TO REVOKE PROBATION

3 (Quarterly Reports)

4 11. At all times after the effective date of Respondent’s probation, Condition 2
5 stated:

6 Respondent shall file quarterly reports of compliance under penalty of perjury, on
7 forms to be provided to the probation monitor assigned by the Board. Omission or
8 falsification in any manner of any information on these reports shall constitute a violation
9 of probation, and shall result in the filing of an accusation and/or a petition to revoke
10 probation against Respondent’s respiratory care practitioner license.

11 Quarterly report forms will be provided by the Board. Respondent is responsible
12 for contacting the Board to obtain additional forms if needed. Quarterly reports are due
13 for each year of probation and the entire length of probation as follows:

14 For the period covering January 1st through March 31st, reports are to be
15 completed and submitted between April 1st and April 7th. For the period covering April 1st
16 through June 30th, reports are to be completed and submitted between July 1st and July 7th.
17 For the period covering July 1st through September 30th, reports are to be completed and
18 submitted between October 1st and October 7th. For the period covering October 1st
19 through December 31st, reports are to be completed and submitted between January 1st
20 and January 7th.

21 Failure to submit complete and timely reports shall constitute a violation of
22 probation.

23 12. Respondent’s probation is subject to revocation because she failed to
24 comply with Probation Condition 2, referenced above. The facts and circumstances regarding this
25 violation are as follows:

26 Respondent failed to submit her Quarterly Report of Compliance for the period
27 March 8 through June 30, 2006, due to the Board by July 7, 2006.

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1 comply with Probation Condition 4, referenced above. The facts and circumstances regarding this
2 violation are as follows:

3 Respondent is delinquent in her probation monitoring payments in the amount of
4 \$500.00 for the months of April through August 2006.

5 THIRD CAUSE TO REVOKE PROBATION

6 (Cost Recovery)

7 15. At all times after the effective date of Respondent's probation, Condition 8
8 stated:

9 Respondent shall pay to the Board the sum of \$1,000.00, which shall be paid in full
10 directly to the Board, in equal quarterly payments, within 12 months from the effective
11 date of this decision. Cost recovery will not be tolled.

12 If Respondent is unable to submit costs timely, she shall be required instead to
13 submit an explanation of why she is unable to submit these costs in part or in entirety, and
14 the date(s) she will be able to submit the costs including payment amount(s). Supporting
15 documentation and evidence of why the Respondent is unable to make such payment(s)
16 must accompany this submission.

17 Respondent understands that failure to submit costs timely is a violation of
18 probation, and submission of evidence demonstrating financial hardship does not preclude
19 the Board from pursuing further disciplinary action. However, Respondent understands
20 that providing evidence and supporting documentation of financial hardship may delay
21 further disciplinary action.

22 Consideration to financial hardship will not be given should Respondent violate
23 this term and condition, unless an unexpected AND unavoidable hardship is established
24 from the date of this order to the date payment(s) is due.

25 The filing of bankruptcy by the Respondent shall not relieve the Respondent of her
26 responsibility to reimburse the Board for these costs.

27 16. Respondent's probation is subject to revocation because she failed to
28 comply with Probation Condition 8, referenced above. The facts and circumstances regarding this

violation are as follows:

Respondent failed to make her quarterly cost recovery payment of \$250.00 which was due to the Board on June 8, 2006.

FOURTH CAUSE TO REVOKE PROBATION

(Psychological Treatment)

17. At all times after the effective date of Respondent's probation, Condition 20 stated:

Respondent, at her own expense, shall continue to receive psychotherapy and psychiatric treatment for her depression, as long as her mental health care providers believe such is necessary. Her treating psychotherapist and psychiatrist shall immediately notify the Board if he/she does not believe Respondent can safely practice. Respondent shall execute a release authorizing divulgence of this information to the Board.

Respondent shall inform her treating mental health providers of this probation (and this term of the probation specifically) and shall cause those professionals to submit a report to the Board each quarter indicating Respondent's progress and prognosis.

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 20, referenced above. The facts and circumstances regarding this violation are as follows:

Respondent failed to have her mental health care providers submit quarterly reports to the Board indicating Respondent's progress and prognosis.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

1. Revoking the probation that was granted by the Respiratory Care Board of California in Case No. R-1995 and imposing the disciplinary order that was stayed, thereby revoking Respiratory Care Practitioner License No. 6532 issued to Debbie Joann Deuel;

2. Ordering Debbie Joann Deuel to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if probation is continued or extended, the

costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: September 5, 2006.

Original signed by Christine Molina for:
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant

deuel.ptr.wpd